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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,665

07/07/2003

Larkin Hill Lowrey

0308816.0156

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39894

7590

10/14/2009

HUGHES TELEMATICS, INC.

41 PERIMETER CENTER EAST, SUITE 400

ATLANTA, GA 30346

EXAMINER

TRAN, DALENA

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

10/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,665	<b>Applicant(s)</b> LOWREY ET AL.	
	<b>Examiner</b> Dalena Tran	<b>Art Unit</b> 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7/21/09.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-16, 20-23, 25-29, 31-44, 48-50, 52-59, 63, 64, 66-69, 71-77 and 80-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-16, 20-23, 25-29, 31-44, 48-50, 52-59, 63, 64, 66-69, 71-77 and 80-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10614665	7/7/03	LOWREY ET AL.	0308816.0156

HUGHES TELEMATICS, INC.  
41 PERIMETER CENTER EAST, SUITE 400  
ATLANTA, GA 30346

**EXAMINER**

Dalena Tran

ART UNIT	PAPER
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3664	20091012
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

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## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This office action is responsive to the amendment filed on 7/21/09. As per request, claims 4, and 53 have been amended. Claims 2-16, 20-23, 25-29, 31-44, 48-50, 52-59, 63-64, 66-69, 71-77, and 80-85 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2-4, 7-16, 20, 22, 31-34, 36-44, 48-49, 52-59, 63-64, 66-67, 69, 71-77, and 80-85, are rejected under 35 U.S.C. 102(e) as being anticipated by Schick et al. (2002/0065698).

As per claim 2, Schick et al. disclose a method for monitoring a vehicle, comprising:  
wirelessly receiving data by a computer system and from a vehicle, the data comprising numerical diagnostic data or location-based data associated with the vehicle in paragraphs 22, 24, and 33; processing the data with the computer system to generate diagnostic data or location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations and wherein the derived information has a meaning distinct from the received data in paragraphs 25, 31, 35, 40-42, 47, 85, and tables 3-4; displaying the derived diagnostic or location

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information on at least one website, the website having a web interface for presenting information associated with the vehicle in paragraphs 26, and 31; transmitting an electronic communication including information associated with the derived diagnostic or location information in paragraphs 29, and 31; wherein the vehicle is a truck in paragraphs 26, and 62.

As per claim 3, Schick et al. disclose wherein the received data contains one of more vehicle parameters and wherein the processing further includes processing at least one of the vehicle parameters with a database application in paragraph 24.

As per claim 4, Schick et al. disclose wherein the processing further includes extracting at least one of the following parameters from the received data: numerical data, an alphanumeric text message, an active or pending diagnostic code, a VIN, and a GPS location in paragraphs 24, and 26.

As per claim 7, Schick et al. disclose the numerical diagnostic data associated with the vehicle comprises data generated by a sensor or the vehicle computer in paragraphs 24, and 63.

As per claim 8, Schick et al. disclose the numerical diagnostic data includes fuel level in paragraphs 26, 43, and 63.

As per claim 9, Schick et al. disclose processing at least one numerical parameter from the numerical data with a mathematical formula in paragraph 25.

As per claim 10, Schick et al. disclose the processing further comprises comparing at least one numerical parameter with at least one numerical parameter generated at an earlier point in time in paragraph 41.

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As per claims 11-12, Schick et al. disclose displaying at least one numerical parameter and at least one numerical parameter generated at an earlier point in time in paragraphs 41,48-49, and 61.

As per claim 13, Schick et al. disclose the displaying further comprises displaying at least one numerical parameter and at least one predetermined numerical value in Table 5 and in paragraph 70.

As per claim 14, Schick et al. disclose the at least one predetermined numerical value comprises a mileage value in table 3; paragraphs 68, and 81.

As per claim 15, Schick et al. disclose the email, call, etc. in paragraph 29 is an alert.

As per claim 16, Schick et al. disclose the alert is associated with a problem in the vehicle or a predetermined maintenance event for the vehicle in paragraph 29.

As per claim 20, Schick et al. disclose the vehicle is at a location remote from the computer system in figure 1.

As per claim 22, Schick et al. disclose the website comprises at least username and password input fields in paragraph 32, and in figure 10, the upper right corner. While the limitation isn't explicitly disclosed, the login screen is inherent on needing to input a password and the use of user names shown in figure 10.

Claims 31-34, 36-41, 42-44, 48, 49, are apparatus claims corresponding to method claims 2-5, 7-12, 14-16, 20, 22 above. Therefore, they are rejected for the same rationales set forth as above.

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Claims 52-54, 55-58, 59, are machine-readable medium claims corresponding to method claims 2-5, 7-10, 15 above. Therefore, they are rejected for the same rationales set forth as above.

As per claim 63, Schick et al. disclose a graphical user interface for displaying processed information for a set of vehicle, comprising: a viewing device displaying a graphical user interface including a first interface displaying information associated with a set of vehicle viewable by at least one organization and a second interface displaying information associated with a vehicle among the set of vehicle in paragraphs 22, 23, and 26. Since the system uses the Internet, any single one of the devices (14,23,24) connected to the Internet could log on to any of the specific web pages. Schick et al. disclose wherein the information displayed by the first interface and the second interface is at least in part derived from data wirelessly received by a computer system from a vehicle, and wherein the information comprises at least one of status reports and vehicle service recommendations, and wherein the information has a meaning distinct from the received data in paragraphs 24, 25, and 26; the first interface is for at least one organization selected from a group comprising a dealership, service entity, insurance entity, performance monitoring entity, and a survey entity in paragraph 26; and the vehicles are trucks in paragraph 26.

As per claim 64, Schick et al. disclose graphical user interface comprises at least username and password input fields in paragraph 32, and in figure 10, the upper right corner. While the limitation isn't explicitly disclosed, the login screen is inherent based on needing to input a password and the use of user names shown in figure 10.

As per claim 66, Schick et al. disclose the information includes historical status information in paragraph 25.

As per claim 67, Schick et al. disclose the GUI is a web browser in paragraph 27. They are disclosing web pages; these are viewed with a web browser.

As per claim 69, Schick et al. disclose the viewing device is a computer in figure 1.

As per claims 71-77, Schick et al. disclose the vehicle status reports and the vehicle service recommendations comprise icons indicating the vehicle's diagnostic status in paragraph 28. Schick et al. discloses color-coding the icons on the location map according to operating parameters.

As per claims 81, 83, and 85, Schick et al. disclose the second web interface is an interface for at least one organization selected from a group consisting of a dealership, a service entity, an insurance entity, a performance monitoring entity, and a survey entity in paragraph 26.

As per claims 80, 82, and 84, Schick et al. inherently disclose a login page through figure 10. In the upper right hand corner there is listed a user name and an option to logoff. If there is a logoff and login name there must be a login page otherwise the invention would not work. Schick et al. also disclose two different logins that would result in a page wherein entering a login associated with a first group of users causes the website to display a first web interface dedicated to presenting information associated with a single vehicle, and wherein entering a login associated with one of a second group of users causes the website to display a second web interface presenting information associated with a group of vehicles including the single vehicle in paragraphs 22, 26, and 61.



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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5 Claims 5-6, 21, 23, 25-29, 35, and 50, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schick et al. (2002/0065698), in view of Chou et al. (6330499).

As per claim 5, Schick et al. do not disclose the communication describes an active or pending diagnostic code. However, Schick et al. disclose identified by processing element with a stored fault code (paragraph 43). It is well known in the art, the communication describes an active or pending diagnostic code for monitoring vehicle health and vehicle diagnostic,

Chou et al. disclose the communication describes an active or pending diagnostic code (see column 4, lines 20-61; column 5, lines 25-33; column 6, lines 55-61; column 7, lines 27-49). It would have been obvious to one of ordinary skill in the art to modify the teach of Schick et al. by combining the communication describes an active or pending diagnostic code, for fault monitoring, and classifies a severity of trouble code and determine an associated set of recommended actions in vehicle maintenance.

As per claims 6, 21, 23, 35, and 50, Schick et al., and Chou et al. do not disclose the communication comprises a 5, 6, or 7, digit code that describes the active or pending diagnostic trouble code; the communication includes the vehicle's location; or updating software of the at least one website. Schick et al. does disclose onboard diagnostic in paragraph 35, and Chou et al.

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disclose the communication describes an active or pending diagnostic code. Official notice is taken that is well known in the art to have 5 digit diagnostic codes on vehicles and to update software on websites. It would have been obvious to use 5 digit codes for the trouble codes of Schick et al., and Chou et al. because such modification would enable the trucks to meet US Federal law. Federal OBD-2 regulation requires vehicles, including light trucks, to have certain diagnostic functions with associated 5 digit codes. By re-using this scheme in Schick et al., and Chou et al. costs would be reduced by not having to have two different coding schemes. It would have been obvious to one of ordinary skill in the art to update the website software because such modification would allow the software to have bugs fixed, security flaws patched, and new features added. This is a standard industry practice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the vehicle's location in the communication because it is a design choice absent an unexpected result. Schick et al. already discloses including an URL in the message that takes them right to the web site with the location information in paragraph 31. Providing it in the email message instead of one click away is not novel or unobvious.

As per claim 25, Schick et al. disclose a method for monitoring a vehicle, comprising: wirelessly receiving data by a computer system and from a first and a second vehicle among a set of vehicles, the data comprising numerical diagnostic data or location-based data associated with the first and second vehicles in paragraph 24; processing the data with the computer system to generate, for each of the first and second vehicles, diagnostic data or location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations and wherein the derived

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information has a meaning distinct from the received data in paragraphs 25, 31, 35, 47, 85, and tables 3-4. The recitation of data packets are inherent in the disclosure of Schick et al. with the disclosure of the Internet, which relies on packet based communication. Schick et al. disclose transmitting an electronic communication including information associated with the derived diagnostic or location information in paragraph 29; wherein the vehicle is a truck in paragraph 26. Schick et al. inherently discloses a login page through figure 10. In the upper right hand corner there is listed a user name and an option to logoff. If there is a logoff and login name there must be a login page otherwise the invention would not work. Schick et al. also discloses two different logins that would result in a page for a first user, displaying the derived diagnostic or location information for the first vehicle only on a first web interface of a website, and a second user, displaying the derived diagnostic or location information for the first and second vehicles on a second web interface of the website, the second web interface being different from the first web interface, in paragraphs 22, 26, and 61. Even if the argument is made that Schick et al. does not disclose two different logins that result in the first web interface and the second web interface it would have been obvious to one of ordinary skill in the art at the time the invention was made because such modification would provide access only to the information a specific authorized person needs. Schick et al. discloses in paragraph 22 that there are different users that may include a transportation company that owns and operates many assets, the manufacturer that is responsible for many assets all the way down to a customer or single driver that is only responsible for a single asset. One of ordinary skill in the art at the time the invention was made would realize that different users to different amounts of data and provide access only to the necessary data for security and privacy reasons. One customer would not need to know about all

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of the manufacturers other vehicles, while a manufacturer would want information on all of its vehicles.

As per claim 26, Schick et al. disclose wherein the processing further includes extracting at least one of the following parameters from the received data: numerical data, an alphanumeric text message, an active or pending diagnostic code, a VIN, and a GPS location in paragraphs 24, 26.

As per claim 27, Schick et al. disclose processing at least one of the vehicle parameters with a database application in paragraph 24.

As per claim 28, Schick et al. disclose the website comprises at least username and password input fields in paragraph 32, and in figure 10, the upper right corner. While the limitation isn't explicitly disclosed, the login screen is inherent on needing to input a password and the use of user names shown in figure 10.

As per claim 29, Schick et al. disclose a method for monitoring a vehicle, comprising: wirelessly receiving data by a computer system and from a vehicle, data descriptive of the vehicle's location in paragraph 24; processing the data with the computer system to generate location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations and wherein the derived information has a meaning distinct from the received data in paragraphs 25, 32, and 46; displaying the generated location information on a website, the website having a first interface dedicated to presenting information about a vehicle and a second web

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interface to present information associated with a group of vehicles, including the vehicle in paragraph 26; the first web interface is a customer interface and the second interface is for at least one organization selected from a group comprising a dealership, service entity, insurance entity, performance monitoring entity, and a survey entity in paragraph 26; and the vehicle is a truck in paragraph 26. Schick et al. inherently discloses a login page through figure 10. In the upper right hand corner there is listed a user name and an option to logoff. If there is a logoff and login name there must be a login page otherwise the invention would not work. Schick et al. also discloses two different logins that would result in a page for the first and second web interface in paragraphs 22, 26, and 61. Even if the argument is made that Schick et al. does not disclose two different logins that result in the first web interface and the second web interface it would have been obvious to one of ordinary skill in the art at the time the invention was made because such modification would provide access only to the information a specific authorized person needs. Schick et al. discloses in paragraph 22 that there are different users that may include a transportation company that owns and operates many assets, the manufacturer that is responsible for many assets all the way down to a customer or single driver that is only responsible for a single asset. One of ordinary skill in the art at the time the invention was made would realize that different users to different amounts of data and provide access only to the necessary data for security and privacy reasons. One customer would not need to know about all of the manufacturers other vehicles, while a manufacturer would want information on all of its vehicles.

6. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schick et al., 2002/0065698, in view of Lin et al., 6400701.

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As per claim 68, Schick et al. does not disclose the displayed graphical user interface is formatted using WAP. Lin et al. teach using WAP for viewing service information on a device (see columns 7-8, lines 5-51; columns 11-12, lines 42-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use WAP in the invention of Schick et al. because it is a design choice absent any unexpected result. WAP is a standard protocol and it would be more cost effective to use with the portable device (23) of Schick et al. than any specialized protocol.

### ***Remarks***

7. Applicant's arguments filed 7/21/09 have been fully considered, but they are not persuasive. The arguments rely on the declarations filed on 7/28/08 under 37 CFR 1.131 have been considered but still are ineffective to overcome the Schick et al. reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Schick et al. reference. Many facets of the claimed invention still are not provided for in the evidence supplied. For instance, the ability to provide location data is not shown, the generated information comprises vehicle service recommendation, and the two separate web interfaces are not shown, the processing comprises comparing at least one numerical parameter with at least one numerical parameter generated at an earlier point in time is not shown, first and second data packets comprising location based data associated with the first and second vehicles is not shown, the two separate web interface is not shown, the first and second interface displaying information associated with a set of vehicles and a single vehicle is not shown, etc.

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Applicant's argues on page 17, last paragraph of the amendment, that claim 2 claims "the processing includes determining derivative information from data received from one or more monitored vehicles". However, this is incorrect, claim 2 claims "generated diagnostic or location information that is at least in part derived from the received data", this means, "the generated diagnostic or location information is derived from the received data".

Applicant's argued on pages 18, to the first and second paragraphs of the amendment, that Schick et al. do not disclose "derived information". However, in reviewing Schick et al. reference and compare to claim 2 languages, Schick et al. disclose generated diagnostic or location information that is at least in part derived from the received data (see at least paragraph 31, lines 20-23, "the computer and / or personnel located at the data center 18 analyze the data 48 and identify that the anomaly exists 58 and determine that's maintenance action 60 is recommended"; also, paragraph 35, "the monitored data may be accumulated or counted to determine the amount of time each respective mobile asset has been in any given operating mode, and to determine changes and severity level in the operating modes"; in addition, paragraphs 40-42, the data transmitted, and received, and processing element calculate whether the data suggests one or more trends suggestive of possible or actual impairment or failure of the vehicle systems being monitored, and the trends are calculated by comparing values for a given parameter over a period of time and comparing those values with historical data for identical vehicle systems; also, tables 3-4 show monitored data, calculated data, and trend measured and derived values to predict faults). Therefore, Schick et al. disclose generated diagnostic or location information that is at least in part derived from the received data, because the predict faults for generating a maintenance action is not from directly monitored received data, but from

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data calculated, data analyze, and data compare for a given parameter over a period of time of the measured data.

Applicant's argued on page 19, second and third paragraphs, that Schick et al. do not disclose information is received wirelessly from vehicle. However, Schick et al. disclose information is received wirelessly from vehicle (paragraph 22, data transfers by cell phone; and paragraph 33, wireless signals for receiving and processing vehicle system parameter data signals).

Applicant's argued on page 20, about claim 4. However, Schick et al. disclose in paragraph 24, the operating parameters and one or more identifiers associated with mobile assets can be monitored, data regarding both the location and the operating parameters for each mobile asset can be download, for example, temperature, barometric pressure, etc.. It is obvious, identifiers associated with mobile assets, temperature, barometric pressure data are all numerical data., and data associate with the vehicle are transfers by cell phone (paragraph 22), and paragraph 33, wireless signals for receiving and processing vehicle system parameter data signals.

Applicant's argued on page 20, about claim 5. As cited in item 5 above, Chou et al. disclose claim 5 in combining with Schick et al.

Applicant's argued on page 20, about claims 14, 15, and 16, Schick et al. disclose the at least one predetermined numerical value comprises a mileage value in table 3; paragraphs 68, and 81. Also, Schick et al. disclose in paragraph 29, "the user may be notified that new or **urgent** information". It is obvious "urgent information" implies an alert.



Applicant's argued on page 22, about claim 6, this argument is not persuasive, because in combining with Chou et al. above in claim 5, Chou et al. disclose the communication describes an active or pending diagnostic code. It would have been obvious to use 5 digit codes for the trouble codes of Schick et al., and Chou et al. because such modification would enable the trucks to meet US Federal law. Federal OBD-2 regulation requires vehicles, including light trucks, to have certain diagnostic functions with associated 5 digit codes. By re-using this scheme in Schick et al., and Chou et al. costs would be reduced by not having to have two different coding schemes.

Schick et al., and Lin et al. still read the claim invention, in combining with Chou et al. (new reference) in this rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-W (in a first week of a bi-week), and T-R (in a second week of bi-week) from 7:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalena Tran/ Primary Examiner, Art Unit 3664 October 12, 2009